



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,432	10/20/2003	Julianne Bielski	RPS920030021US1	2798
83227 7590 03/13/2009 LAW OFFICE OF JIM BOICE 3839 Bee Cave Road Suite 201 WEST LAKE HILLS, TX 78746				
EXAMINER RICEK, JASON D				
ART UNIT 2442		PAPER NUMBER		
MAIL DATE 03/13/2009		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/689,432

**Applicant(s)**

BIELSKI, JULIANNE

**Examiner**

JASON RECEK

**Art Unit**

2442

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 5-9, 11-14 and 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-9, 11-14 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This is in response to the RCE filed on February 3<sup>rd</sup> 2009.

#### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/3/09 has been entered.

#### ***Status of Claims***

Claims 1-3, 5-9, 11-14 and 16 are pending.

Claims 1-3, 5-9, 11-14 and 16 are currently rejected under 35 U.S.C. 103(a).

#### ***Response to Arguments***

2. Applicant's arguments have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made in view of Hanson et al. US 2003/0120811 A1 and Doherty et al. US 2003/0018763 A1.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 7-9, 11-14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson et al. US 2003/0120811 A1 in view of Doherty et al. US 2003/0018763 A1.

Regarding claim 1, Hanson discloses "providing an internet protocol (IP) address" as using a DHCP server to provide clients with a network address (paragraph 286), "configuring an IP address issuing computer to include a plurality of IP addresses ... to be assigned to at least one remote management processor which is coupled to a remote hardware server" as a DHCP server that issues IP address to clients (management processor) which are connected to a remote management system (Fig. 1, paragraphs 286-287). Examiner searched for a definition of "management processor" in the specification only to find a brief description of it in the background section (pg. 1). Since the client disclosed by Hanson contains a processor that is coupled to a management server, the client disclosed by Hanson is a reasonable interpretation of the term "management processor". Hanson also discloses "Option data comprises an IP address of a management server" as configuration information that allows a client to

connect to a management server (paragraph 287), "hardware resources" as the computer system described would necessarily contain hardware (Fig. 1);

"sending a request from the ... processor to the IP address issuing computer" as sending a DHCP request (paragraph 286);

"in response to the request, receiving from the IP issuing computer ... the requested IP address" as receiving an available address (paragraph 286), "and the Option data" as configuration information (paragraph 287); and

"in response to the detection of the Option data, sending the alert packet ... such that the alert packet includes the received requested IP address" as using the configuration functionality to contact the management server (paragraph 287-288).

Hanson does not explicitly teach,

"in response to receiving the acknowledgment ... storing in the remote management processor, as a destination address for sending an alert packet, the received IP address of the management server" however this is taught by Doherty as receiving a file from the DHCP containing multiple destination addresses including the management server's address (paragraph 6). It would have been obvious to one of ordinary skill in the art at the time of the invention to store the information received from the DHCP server for future use. Hanson teaches this information allows communication (paragraph 287) but does not explicitly teach what is included or that it is stored. Doherty is cited for showing the DHCP interaction in more detail and thus the combination is merely following the DHCP RFC which outlines the complete protocol.

Regarding claim 2, Hanson discloses "the management server stores information ... includes the IP address assigned to the at least one remote management processor" as a management server recognizing the end system's (processor) network address (paragraph 287), and "a shelf life of the assigned IP address" as the address is assigned for a specific period (lease duration) this is equivalent to a shelf life (paragraph 286).

Regarding claim 3, Hanson discloses "the IP address issuing computer is a DHCP server" (paragraph 286). Hanson does not explicitly disclose "the management server is running a management server software package to manage the at least one remote management processor" however this is taught by Doherty as a management server that has software for managing client requests (paragraphs 39-42). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Hanson with the management software of Doherty for the purpose of managing. Hanson teaches a management server, the addition of management software is merely the combination of known elements according to their established function that yields a predictable result.

Regarding claim 5, Hanson discloses "sending of the request ... is automatically prompted by ... being powered on" as sending a request at boot time (paragraph 286).

Regarding claims 7-9 and 11, they are system claims that correspond to the method of claims 1-3 and 5 respectively. Therefore they are rejected for similar reasons.

Regarding claims 12-14 and 16, they are medium claims that correspond to the method of claims 1-3 and 5 respectively. Therefore they are rejected for similar reasons.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson and Doherty as applied to claims 1-5 above, and further in view of Giglio et al. US 2004/0039821 A1.

Regarding claim 6, Hanson and Doherty do not explicitly disclose "an administrator of the management server defines the Option data" however this is taught by Giglio as manual configuration of network information (paragraph 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to manually configure certain network information as taught by Giglio for the purpose of setting up a network. Manual configuration is well known in the art and yields predictable results.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bishop et al. US 2005/0097182 A1 discloses a method for remote management that uses a remote management processor (abstract).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON RECEK whose telephone number is (571)270-1975. The examiner can normally be reached on Mon - Thurs 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew Caldwell/  
Supervisory Patent Examiner, Art  
Unit 2442

/Jason Recek/  
Examiner, Art Unit 2442

(571) 270-1975